

Owen, S.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANDREW E. ROTH derivatively on behalf of  
PETROHAWK ENERGY CORPORATION,

Plaintiff,

- v. -

PHAWK, LLC, ENCAP ENERGY CAPITAL FUND IV,  
L.P., ENCAP ENERGY CAPITAL FUND IV-B, L.P.,  
ENCAP IV-B ACQUISITIONS, L.P., ENCAP IV-B  
ACQUISITIONS GP, LLC, ENCAP INVESTMENTS  
L.P., ENCAP INVESTMENTS GP, L.L.C., RNBD GP  
LLC, DAVID B. MILLER, D. MARTIN PHILLIPS,  
GARY R. PETERSEN, ROBERT L. ZORICH,  
FCW, LLC, FLOYD C. WILSON, DANIEL A. RIOUX,  
TUCKER S. BRIDWELL, JAMES L. IRISH, III, and  
PETROHAWK ENERGY CORPORATION

Defendants.  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/19/06

05 Civ. 9247 (RO)

### JUDGMENT

This action came on for hearing on March 31, 2006, before the Court, Honorable Richard Owen, District Judge, presiding, and the issues having been duly heard and the Court having duly rendered a decision granting defendants' motion to dismiss or, in the alternative, for summary judgment because the transaction at issue is exempt under Rule 16b-3(d), *see Segen v. CDR-Cookie Acquisitions, L.L.C.*, 2006 WL 59550 (S.D.N.Y. Jan. 4, 2006),

It is Ordered and Adjudged that the plaintiff takes nothing, that the action be dismissed on the merits, that defendants recover of the plaintiff their costs of action, and that the case shall be closed.

Dated: New York, New York  
April 19, 2006



WDS

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